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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,039	11/14/2003	Doyle Jay Orr JR.	P0811 US	1400

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EXAMINER	
CAO, ALLEN T	
ART UNIT	**PAPER NUMBER**
2652	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/714,039	ORR ET AL.	
	Examiner	Art Unit	
	Allen T. Cao	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) *2-7* is/are withdrawn from consideration.

5)☒ Claim(s) *1* is/are allowed.

6)☒ Claim(s) *8-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-11* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/13/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Applicant's election without traverse of Group I, claims 1 and 8-11 in the reply filed on 9/19/05 is acknowledged.

2. Claims 2-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/19/05.

3. Claims 1 and 8-11 are objected to because of the following informalities:

a) The term –an-- should be added in front the phrase "air processing unit" in claims 1 and 8.

b) The term –an—should be added in front of the phrase "induction vent" in claim 1, line 13.

c) The term –an—should be added in front of the phrase "exhaust vent" in claim 1, line 14.

d) The term –a—should be added in front of the term "passage" in claim 1, line 15.

e) The –,-- should be added after the term "actuator" in claim 1, line 12.

f) The --,-- should be added after the phrase "high pressure zone" in claim 1, line 13.

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall (US. 6,466,406 B1)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Hall discloses a data storage apparatus having a drive with an actuator carrying a head for reading or writing data from a storage medium and a storage medium rotator for rotating the storage medium (see throughout column 1); a removable disk cartridge (see figures) including a circular storage media 20 with a center, a periphery, and a data storage surface; and a housing, the housing structured to provide an access path 19 to allow the head of the actuator to be moved back and forth into proximity with the data storage surface (20a, 20b) of the media 20 and allow the storage medium to be rotated

by the storage medium rotator around the center when the cartridge is mounted in the drive (column 5, lines 13-16 and 60-67), the housing having a housing wall that is generally parallel to the data storage surface (column 5, lines 2-9), where the rotation of the storage medium induces an air flow over the data storage surface (column 1, lines 45-48; column 7); an air processing unit (28, 52) located across the air flow in at least part of the region between the center and the periphery of the loading medium and between the data storage surface of the medium and the parallel housing wall, all as set forth in claim 8.

Regarding claim 9, Hall discloses that the air processing unit (28, 52) extends between a location near the center and a location adjacent the periphery of the rotating medium and extends between a location adjacent to the data storage surface of the medium and a location adjacent to the cartridge wall (see figures 6, 7A, 7B and 10).

Regarding claim 10, Hall discloses that the air processing unit is structured with a "leading edge" directed in the direction into the air flow at the location adjacent the surface of the medium (the air flow goes through member 28 or 52 before get to the disk).

Regarding claim 11, Hall discloses that the air processing unit is angled relative to the air flow to increase particle capturing surface area that is extending across the air flow.

6. Claim 1 is allowed.

7. The following is an examiner's statement of reasons for allowance:

The prior art of record neither discloses nor suggests the removable disk cartridge as set forth in claim 1 having that the location of the actuator in the airflow creates a high pressure zone in an upstream direction from the actuator and a low pressure zone in a downstream direction from the actuator, an induction vent, an exhaust vent, a passage, and an air processing unit as recited in claim 1.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen T. Cao whose telephone number is (571) 272-7569. The examiner can normally be reached on Mon - Thurs (7:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allen Cao
Primary Examiner

AC
November 29, 2005